

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

24 MAR -1 PM 1:27

UNITED STATES OF AMERICA

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CLERK

SO. DIST. OF GA.

v.

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CR 315-013

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JOAN MARIE PRICE

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O R D E R

Defendant Joan Marie Price has filed a one-page letter in which she moves for compassionate release under 18 U.S.C. § 3582(c)(1)(A). The compassionate release provision permits a defendant to bring a motion for compassionate release "after [s]he has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier." 18 U.S.C. § 3582(c)(1)(A). The BOP is better positioned to assess an individual inmate's present circumstances. The expertise and informed assessment of the BOP should not be heedlessly omitted from the compassionate release process. Here, Defendant does not allege let alone provide evidence that she has exhausted her administrative remedies. For this reason, the Court **DENIES** her motion for compassionate release. (Doc. No. 377.)

Moreover, in order to grant a motion for compassionate release, the Court must find the following conditions are met: (1)

extraordinary and compelling circumstances exist; (2) adherence to the Policy Statement in U.S.S.G. § 1B1.13 (including a finding that the defendant is not a danger to the community); and (3) support in the sentencing factors of 18 U.S.C § 3553(a). United States v. Tinker, 14 F.4th 1234, 1237-38 (11th Cir. 2021). Absence of even one of these requirements would foreclose a sentence reduction. Id.; United States v. Giron, 15 F.4th 1343, 1348 (11th Cir. Oct. 13, 2021) ("[C]ompassionate release is permissible only if all three findings are made."). The burden is on the movant to show by way of probative evidence that she is entitled to the relief she seeks. See United States v. Granda, 852 F. App'x 442, 446 (11th Cir. 2021). Here, Defendant's filing provides no evidence that compassionate release is warranted; her say-so as to her present family circumstances will not suffice.

ORDER ENTERED at Augusta, Georgia, this 1st day of March, 2024.


UNITED STATES DISTRICT JUDGE